

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2009-125-T - ORDER NO. 2009-191

MARCH 26, 2009

IN RE: Application of Kenny L. Nicholson d/b/a)	ORDER GRANTING
Upstate Xpress, 1316-B North Boulevard,)	CLASS C CHARTER
Anderson, South Carolina 29621 (District 3))	CERTIFICATE
for a Class C Charter Certificate of Public)	
Convenience and Necessity)	

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of an Application filed by Kenny L. Nicholson d/b/a Upstate Xpress (the Applicant) for a Class C Charter Certificate of Public Convenience and Necessity to render motor passenger service over irregular routes as follows:

BETWEEN POINTS AND PLACES IN SOUTH CAROLINA,
RESTRICTED TO: SEVEN (7) PASSENGERS.

Upon consideration of the Application, the representations contained therein, and the documentary evidence attached thereto, the Commission finds that the Applicant is fit, willing, and able to perform the service to the public under the authority sought. The Commission also finds that the granting of the Certificate is required by public convenience and necessity.

IT IS THEREFORE ORDERED:

1. That the Application of Kenny L. Nicholson d/b/a Upstate Xpress for a Class C Charter Certificate of Public Convenience and Necessity is hereby approved.

2. That the Applicant cause to be filed with the Office of Regulatory Staff (ORS) the proper license fees, proof of liability insurance (i.e. “Form E”), and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by 26 S.C. Code Ann. Regs. 103-100 through 103-241 (Supp. 2008) of the Commission’s Rules and Regulations for Motor Carriers, and 23A S.C. Code Ann. Regs. 38-400 through 38-503 (Supp. 2008) of the Department of Public Safety’s Rules and Regulations for Motor Carriers, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. That failure of the Applicant to either (1) complete the certification process by complying with the requirements of filing with the ORS proof of appropriate insurance and the payment of license fees and such other information required by law within sixty (60) days of the date of this Order or (2) request and obtain from the Commission additional time to comply with the requirements stated above, may result in the authorization approved in this Order being revoked.

4. That upon compliance with the filing of information as required by S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann. Regs. Vol. 26 (Supp. 2008), as amended, a Certificate shall be issued by the ORS to the Applicant authorizing the motor carrier services granted herein.

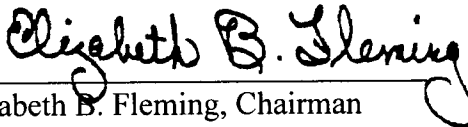
5. That prior to compliance with the requirements regarding the filing of certain information with the ORS and receipt of a Certificate, the motor carrier services authorized by this Order may not be provided.

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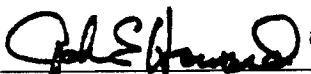
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6. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman

(SEAL)